

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BRIAN BRANCH, as Guardian Ad Litem for
Cynthia N., Charles N. and Christina N.,
minor children, and KENNETH MARTINEZ,
as Guardian Ad Litem for James R., Diana R.
and Michael R., minor children,

Civ. No. 01-922 MV/WWD ACE

Plaintiffs,

vs.

FARMERS INSURANCE CO. OF
ARIZONA,

Defendant.

ORDER

THIS MATTER comes before the Court on Plaintiffs' Rule 56(f) Motion to Deny or Defer Ruling on Defendant Farmers' Motion for Summary Judgment, filed April 11, 2002, [Doc. No. 67]. In their motion, Plaintiffs seek an order denying or deferring ruling on Defendant's Motion for Summary Judgment on the Duty to Defend and the Duty to Indemnify [Doc. No. 47] because Plaintiffs have not had the opportunity to obtain discovery essential to their opposition to the motion. In a Memorandum Opinion and Order dated [January 26, 2004] the Court denied Defendant's Motion for Summary Judgment on the Duty to Defend and the Duty to Indemnify. As a result, Plaintiff's motion to deny or defer ruling on this motion is moot.

IT IS THEREFORE ORDERED that Plaintiffs' Rule 56(f) Motion to Deny or Defer

Ruling on Defendant Farmers' Motion for Summary Judgment, filed April 11, 2002, [**Doc. No. 67**] is hereby **DENIED** as moot.

Dated this 26th day of January, 2004.



MARTHA VAZQUEZ
U. S. DISTRICT COURT JUDGE

Attorneys for Plaintiffs:

Maureen A. Sanders, Esq.
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Philip B. Davis, Esq.

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